

**1956
SPECIAL
SESSION
LAWS**

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
TWENTY-EIGHTH LEGISLATURE

SPECIAL SESSION
1956

Convened on Monday, the Seventeenth Day of September, and
Adjourned Sine Die on Tuesday, the Twenty-fifth Day of September

Published by Authority under the
Direction of the Secretary of Hawaii
Honolulu, Hawaii

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And Linda L. Williams

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1959

F O R E W O R D

§§ 1-2 and 1-3, REVISED LAWS OF HAWAII 1955, PROVIDE AS FOLLOWS:

“§ 1-2. Publishing of session laws. As soon as possible after the close of each session of the legislature, the Secretary of the Territory or any other officer or employee of the Territory designated by the governor shall cause all laws duly enacted at such session to be printed, indexed and bound in book form, first the bills and then joint resolutions, in the order of their becoming law.

“§ 1-3. Certain laws not obligatory until published. No written law, unless otherwise specifically provided by legislative enactment, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, shall be obligatory without first being printed and made public. General or special appropriation acts, loan fund acts, pension acts and franchise acts whether affecting territorial funds or the funds of county or other municipal subdivisions or commissions, shall become operative according to their respective terms merely by being passed and approved in the manner provided by sections 44 to 54, inclusive, of the Organic Act without the necessity of any other promulgation than the ultimate inclusion thereof in the bound volume of respective session laws as provided in section 69 of the Organic Act.”

C E R T I F I C A T E

TERRITORY OF HAWAII
Office of the Secretary

I, Edward E. Johnston, Secretary of the Territory of Hawaii, do hereby certify that the printed Acts set forth herein are true and correct copies of the original Acts enacted by the Twenty-eighth Legislature of the Territory of Hawaii at its special session of 1956, which was convened in Honolulu on Monday, the seventeenth day of September, 1956, and adjourned sine die on Tuesday, the twenty-fifth day of September, 1956; that all such Acts, except as otherwise specifically noted, were approved by the Governor of Hawaii in accordance with the provisions of the Organic Act.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Territory of Hawaii on the 27th day of January, 1959.



Edward E. Johnston
Secretary of Hawaii

CHIEF EXECUTIVE AND OFFICERS AND MEMBERS OF THE
 TWENTY-EIGHTH LEGISLATURE OF THE
 TERRITORY OF HAWAII

SPECIAL SESSION OF 1956

Governor of Hawaii.....King, Samuel Wilder

SENATE

President.....Heen, William H.
 Vice-President.....Nobriga, William J.
 Clerk.....Richardson, William S.

District	Name	Address
First	*Abe, Kazuhisa (D).....	Hilo, Hawaii
	Doi, Nelson K. (D).....	P. O. Box 1393, Hilo, Hawaii
	Hill, William H. (R).....	Hilo, Hawaii
	*Nobriga, William J. (D).....	Hilo, Hawaii
Second.....	*Ansai, Toshio (R).....	Wailuku, Maui
	*Duarte, John Gomes (D).....	Wailuku, Maui
	Duponte, Dee (D).....	Wailuku, Maui
Third	*Dillingham, Benjamin F. (R).....	P. O. Box 3288, Honolulu, Hawaii
	Heen, William H. (D).....	1585 Thurston Ave., Honolulu
	*Itagaki, Joseph R. (R).....	1016 Ala Moana Blvd., Honolulu
	*Lee, Herbert K. H. (D).....	4950 Mana Place, Honolulu
	Takahashi, Sakae (D).....	2512-B Waolani Ave., Honolulu
	Tsukiyama, Wilfred C. (R).....	89 S. King Street, Honolulu
Fourth	Fernandes, John B. (D).....	Kapaa, Kauai
	*Miyake, Noboru (R).....	Waimea, Kauai

*Holdovers	8
D—Democrats	9
R—Republicans	6

OFFICERS AND MEMBERS OF THE LEGISLATURE

HOUSE OF REPRESENTATIVES

Speaker.....Kauhane, Charles E.
 Vice-Speaker.....Cravalho, Elmer F.
 Clerk.....Trask, James K.

District	Name	Address
First.....	Aduja, Peter A. (R).....	Hilo, Hawaii
	Garcia, Joseph R., Jr. (R).....	P. O. Box 295, Hakalau, Hawaii
	Hara, Stanley I. (D).....	513 Kalanikoia Street, Hilo, Hawaii
	Kobayashi, Raymond M. (D).....	Hilo, Hawaii
Second.....	Hind, Robert L., Jr. (R).....	P. O. Box 2, Hookena, Hawaii
	Nakashima, Sumio (D).....	P. O. Box 130, Holualoa, Hawaii
	Pule, Akoni (D).....	P. O. Box 265, Halaula, Hawaii
	Richardson, Esther K. (R).....	P. O. Box 237, Kealakekua, Hawaii
Third	Cravalho, Elmer F. (D).....	Waiakoa, Kula, Maui
	Kimura, Robert N. (D).....	P. O. Box 571, Wailuku, Maui
	Lydgate, E. P. (R).....	Makawao, Maui
	Paschoal, Manuel Gomes (R).....	Wailuku, Maui
	Trask, David K., Jr. (D).....	Kahului, Maui
	Yoshinaga, Nadao (D).....	Wailuku, Maui
Fourth.....	Doi, Masato (D).....	1010 Alakea St., Honolulu, Hawaii
	Inouye, Daniel K. (D).....	2332 Coyne St., Honolulu, Hawaii
	Kahanamoku, Anna F. (D).....	3820 Monterey Dr., Honolulu, Hawaii
	Kono, Russell K. (D).....	2332-A Booth Rd., Honolulu, Hawaii
	Matsunaga, Spark M. (D).....	1320-A 7th Avenue, Honolulu, Hawaii
	Porteus Hebden (R).....	2160 Manoa Road, Honolulu, Hawaii
Fifth.....	Ariyoshi, George R. (D).....	308 McCandless Bldg., Honolulu
	Esposito, O. Vincent (D).....	2707 Liliha St., Honolulu, Hawaii
	Fukushima, Yasutaka (R).....	263 Walker Ave., Wahiawa, Hawaii
	Kauhane, Charles E. (D).....	167 N. Hotel St., Honolulu, Hawaii
	Minn, Philip P. (D).....	100 Jaluit St., Moanalua Ridge, Honolulu, Hawaii
	Noda, Steere G. (D).....	P. O. Box 712, Honolulu, Hawaii
Sixth.....	Fernandes, William E. (D).....	P. O. Box 671, Kapaa, Kauai
	Henriques, Manuel S. (D).....	P. O. Box 368, Kapaa, Kauai
	Serizawa, Toshio (D).....	P. O. Box 806, Lihue, Kauai
	Yama, Toshiharu (D).....	Lihue, Kauai

D—Democrat22

R—Republican 8

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1956
Laws Of The Territory Of Hawaii
Passed By The
Twenty-Eighth Legislature
Special Session

ACT 1

An Act to appropriate money for the expenses of the Legislature of the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. From the governor's contingent fund, presently appropriated by Act 275, Session Laws of Hawaii 1955, for the purposes stated therein, there is hereby reappropriated the sum of \$18,000 or so much thereof as may be necessary, for the purpose of defraying the expenses of the Senate of the Twenty-Eighth Legislature of the Territory of Hawaii for the Special Session convened on September 17, 1956. The foregoing reappropriation is in addition to the \$240,000 which was appropriated by Act I, Session Laws of Hawaii 1955 (section 1) "for the period commencing February 16, 1955, and ending November 5, 1956."

SECTION 2. Any unencumbered balance of the foregoing reappropriation at the close of said special session shall revert to the said governor's contingent fund.

SECTION 3. From the governor's contingent fund, presently appropriated by Act 275, Session Laws of Hawaii 1955, for the purposes stated therein, there is hereby reappropriated the sum of \$28,000 or so much thereof as may be necessary, for the purpose of defraying the expenses of the House of Representatives of the Twenty-Eighth Legislature of the Territory of Hawaii for the Special Session convened on September 17, 1956. The foregoing reappropriation is in addition to the \$265,000 which was appropriated by Act 1, Session Laws of Hawaii 1955 (section 3) "for the period commencing February 16, 1955, and ending November 5, 1956."

SECTION 4. Any unencumbered balance of the foregoing reappropriation at the close of said special session shall revert to the said governor's contingent fund.

SECTION 5. This Act takes effect upon its approval.

(Approved September 26, 1956.) **S.B. 1, Act 1.**

ACT 2

An Act Relating to the Compensation of Public Employees, and Making Appropriations Therefor.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1759 of the Revised Laws of Hawaii 1945, as amended most recently by Act 278, Session Laws of Hawaii 1953, is hereby further amended to read as follows:

"Sec. 1759. Salary schedule. A salary schedule is hereby established, which shall apply to all new and to all incumbent teachers, principals, vice principals and substitute teachers in the department. Said schedule shall contain the respective classes, with the respective monthly salary ratings for each class based upon years of experience or other qualifications, and be otherwise subject to the regulations set forth in this and the following section, and shall be as follows:

1. Teachers:

Years of Experience	Class I Non-Collegiate Certificate Monthly Salary	Class II Collegiate Certificate Monthly Salary	Class III Professional Certificate Monthly Salary
1	\$245	\$250	\$275
2	259	265	290
3	273	280	305
4	287	295	320
5	301	310	335
6	315	325	350
7	329	340	365
8	343	355	380
9	357	370	395
10	371	385	410
11	385	400	425
12	399	415	440

2. Principals shall be paid what they would earn as teachers, plus monthly salary differentials which shall be determined by applying the following appropriate percentages to the maximum rate in Class III of the salary schedule:

Number of teachers under principals' supervision (figures being inclusive)	Differentials (Per cent applied to maximum rate in Class III)
0-5	25 per cent
6-10	30
11-15	36
16-25	40
26-35	42
36-45	45
46-55	47

56-65	50
66-75	52
76-85	55
86-95	57
96-105	60
106-115	62
116-and over	64

3. Vice principals authorized by resolution of the commissioners shall be paid the above salary classification for teachers plus one-half of the principals' monthly salary differential.

4. Substitute teachers shall be paid per day as follows:

Class I	Class II	Class III
Non-Collegiate	Collegiate	Professional
Certificate	Certificate	Certificate
\$11	\$13	\$15"

SECTION 2. Any provision of any law to the contrary notwithstanding, all teachers and principals in the department of public instruction are hereby transferred as of September 1, 1956, to the teachers' schedule prescribed in section 1 of this Act, hereinafter referred to as the "new schedule". Such transfer shall be on the basis of compensation and not of years of experience. A teacher with one or more years of experience as of September 1, 1956 shall be placed in the new schedule on September 1, 1956, in the following manner: The compensation to which he was entitled on September 1, 1955, under the existing schedule, shall first be determined. On the basis of his September 1, 1955 compensation, the teacher shall be transferred to the new schedule to the salary grade of his appropriate class equal to such compensation. If the appropriate class in the new schedule does not contain a salary grade equal to the compensation to which he was entitled on September 1, 1955, such teacher shall be placed in the next highest salary grade of his appropriate class in the new schedule. A teacher who, immediately prior to September 1, 1955, was receiving the maximum salary in his class under the existing schedule, shall be transferred to the next highest salary grade of his appropriate class in the new schedule. On September 1, 1956, each teacher shall then be placed in the next highest salary grade of his appropriate class in the new schedule.

A teacher with less than one year of experience as of September 1, 1956, shall be transferred to the new schedule to the salary grade of his appropriate class equal to the compensation to which he is entitled under the existing schedule.

Any teacher with more than one year of teaching experience and so accredited by the department entering or reentering the service of the department after September 1, 1955, shall have his salary rating determined by the personnel executive of the department, any law to the contrary notwithstanding, so that such salary rating shall be equal to the salary ratings held by incumbent teachers in the department with the identical number of years of experience.

Any teacher not receiving the maximum salary of his appropriate

class in the new schedule as of the date of the transfer from the existing schedule to the new schedule shall thereafter have his salary increased by one increment on the next succeeding date set by the department of public instruction for increases in salary and so on up to but not exceeding the maximum rate for his appropriate class.

SECTION 3. The rates of compensation for personnel of the University of Hawaii, established by the board of regents of the University pursuant to sections 1948 and 1950 of the Revised Laws of Hawaii 1945, as amended, and in effect on September 1, 1956, are hereby increased by three per cent as of September 1, 1956.

SECTION 4. Section 110, Revised Laws of Hawaii 1945, as enacted by Act 274, Session Laws of Hawaii 1955, is hereby amended to read as follows:

“Sec. 110. Salary schedule. Effective as of September 1, 1956, the monthly rates of basic compensation with respect to classes of positions to which this chapter applies shall be in accordance with the following schedule:

Salary Range No.	A	B	C	D	E	F	G	H	I
1	\$193	\$199	\$206	\$213	\$219	\$226	\$233	\$239	\$246
2	205	211	218	225	231	238	245	251	
3	216	223	230	236	243	250	256	263	
4	226	233	239	246	253	259	266		
5	236	242	249	256	262	269	276		
6	245	252	259	265	272	279	285		
7	255	261	268	275	281	288	295		
8	264	273	282	290	299	308	317		
9	274	284	295	305	315	326	336		
10	289	300	310	320	331	341	352		
11	305	315	325	336	346	357	367		
12	321	332	342	352	363	373	384		
13	338	348	358	369	379	390	400		
14	354	365	375	385	396	406	417		
15	371	381	392	402	412	423	433		
16	388	399	409	420	430	441	451		
17	406	416	427	437	448	458	469		
18	424	434	445	455	465	476	486		
19	441	452	462	473	483	493	504		
20	459	473	486	500	514	528			
21	477	493	510	527	543	560			
22	521	537	554	571	587	604			
23	565	581	598	615	631	648			
24	618	634	651	668	684	701			
25	671	687	704	721	737	754			
26	722	738	755	772	788	805			
27	773	789	806	823	839	856			
28	823	841	860	879	898	916			

29	873	893	914	935	956
30	923	943	964	985	1006
31	973	993	1014	1035	1056

Whenever payment is made on the basis of an annual, weekly, hourly or daily rate, such rate shall be computed in the following manner: (1) by multiplying the monthly rate by twelve in order to find the annual rate; (2) by dividing the annual rate by fifty-two in order to find the weekly rate; (3) by dividing the annual rate by fifty-two and again dividing the result thereof by forty, in order to find the hourly rate; and (4) by multiplying the hourly rate by the number of daily hours of service required in order to find the daily rate.

For the purpose of making the transfer from the existing salary schedule (i.e., the schedule contained in Act 274, section 2, Session Laws of Hawaii 1955) to the salary schedule heretofore set forth in this section and hereinafter referred to as the "new schedule", the incumbent of each position shall be transferred, as of September 1, 1956, to the same range to which his class is assigned and to the corresponding step in the new schedule irrespective of whether or not said class has been repriced under the provisions of Act 274. Provided, however, any incumbent, who received an increment under the provisions of Act 274, between July 1, 1955 and June 30, 1956, shall be transferred as though no increment had been so earned; and provided, further, that the anniversary date of any incumbent who was employed on or before July 1, 1955 shall be July 1, any provision of section 109 to the contrary notwithstanding.

Every employee shall receive compensation at the same step of the new salary schedule as that at which he was receiving compensation under the existing schedule, except, however, for any increment earned during the period from July 1, 1955 through June 30, 1956, as hereinbefore mentioned. Anything to the contrary notwithstanding, any employee who was, on the date of the transfer, receiving compensation at a rate in excess of the maximum step in the new schedule to which his appropriate class is assigned, shall continue to receive the same compensation as he was receiving immediately prior to transfer and until such time as the class to which his position is assigned is reassigned to a salary range in the new schedule having a maximum step in excess of such compensation; provided, however, if the salary which said employee was receiving prior to the date of transfer was in excess of the maximum of the salary range to which his class was assigned under the existing schedule, but is less than the maximum step of his appropriate range in the new schedule, he shall receive compensation upon his transfer at the maximum step in the new schedule."

SECTION 5. The following sums, contained in the following special funds, revolving funds and miscellaneous funds and presently appropriated by the following statutory authority for the purposes stated

in the various authorizations, are hereby reappropriated and transferred to a special fund to be designated as the Salary Increase Fund which is hereby created, for the purposes of this Act, with respect to the officers and employees of the Territory and the several counties who are described hereinafter, for the period from September 1, 1956 through June 30, 1957:

Fund	Presently Appropriated By	Amount Reappropriated Hereby
Bar Examination Fund	S/9705	\$ 5,777.00
Preparation, Publication and Distribution of History of Hawaii's Part in the Second World War	A/136/47	340.00
Civil Identification Fund	A246/47	10,473.00
Territorial Prison Special Fund	S/3943	43,787.00
Oahu Prison Store	Reg.	10,146.00
Kawailoa Girls' Home Special Fund	S/3861	41,014.00
Kawailoa Girls' Home Store	---	6,160.00
Koolau Boys' Home Special Fund	S/3861	---
Armory Board Special Fund	A/37/51 & S/13050	3,021.00
Public Utilities Commission Fund	S/4726	96,150.00
Board of Accountants	A/259/55	15,738.00
Board of Registration of Professional Engineers, Architects and Surveyors	S/7607	4,704.00
Board of Barbers	A194/47	2,274.00
Beauty Culture Board	A397/49	1,948.00
Board of Dental Examiners	S/2157	7,435.00
Board of Dispensing Opticians	A183/49	2,730.00
Board of Registration of Embalmers, Undertakers and Funeral Directors	S/3055	---
Board of Massage	A192/47	12,914.00
Board for the Licensing of Nurses	S/2806	13,290.00
Board of Optometry	S/2806	675.00
Hawaii Board of Osteopathic Examiners	IR18/53	1,002.00
Board of Pharmacy	S/2909	3,847.00
Board of Medical Examiners	S/2505	3,642.00
Territorial Board of Photography	S/7707	1,212.00
Real Estate License		

EMPLOYEES' COMPENSATION

ACT 2

Commission	S/7740 & A77/51	45,930.00
Board of Veterinary Examiners	A280/49	434.00
Unfair Practices, Revolving Fund	A223/37	7,847.00
Regulation of Notaries Public	A30/53	8,292.00
Board of Private Detectives	A268/75	796.00
Bureau of Workmen's Compensation	S/4456	676.00
Hawaiian Birth Registration	S/12913	4,422.00
Hawaii Wing, Civil Air Patrol, Inc.	JR30/51
Automotive Equipment Account (Territorial Highway Fund)	A82/45	263,283.00
Animal Industry Revolving Fund	S/1101	6,747.00
Farm Loan Reserve Fund	S/4681	26,564.00
Farm Loan Revolving Fund	S/5682	223,484.00
Fish and Game Fund	S/1009
Forest Reserve Fund	S/1018	16,327.00
Division of Forestry — Garage	S/1018	138.00
Hawaiian Irrigation Authority Revolving Fund	A245/53	8,252.00
Marketing Inspection and Agricultural Control Fund	A252/45	6,000.00
Academic Control Fund	S/2306	15,000.00
Radium Insurance Fund	S/3003	3,183.00
Cat and Dog Fund	S/1067	12,835.00
Abatement of Health Nuisances	S/2703	1,000.00
Alcoholism Clinic	A215/55	5,344.00
Territorial Hospital Special Fund	S/4044	19,386.00
Waimano Home Special Fund	S/4076	2,088.00
Kalaupapa Store Revolving Fund	26,990.00
Shop Revolving Fund and Handicraft	S/4875	36,406.00
University of Hawaii Special Fund	S/1947	68,000.00
Public Instruction Special Fund	S/1713
Dental Hygiene	7,511.00
Support of Lahainaluna School	A34/23	5,127.00
Special Vocational Fund	S/1887	24,202.00

Captain Cook Memorial Fund	S/33	3,718.00
Territorial Park Fund	A185/49	5,580.00
Fair Commission of Hawaii	S/12933	14,060.00
Housing Revolving Fund	JR4/47	340,006.00
Operation and Maintenance of Housing Projects	JR4/47	14,346.00
Land Development Revolving Fund and Special Land Funds		1,060,000.00
Special Compensation and Accident Prevention Fund	A81/47	58,226.00
Public Improvement Revolving Fund	S/4903	23,389.00
Small Boat Harbor Maintenance Fund	A239/51	72,895.00
Territorial Airport Fund	S/5260
Airport Revenue Fund	A32/47	298,894.00
TOTAL		<u>\$3,025,657.00</u>

The foregoing reappropriations do not affect any other money (i.e., other than the sum reappropriated hereby) in the foregoing funds.

The foregoing reappropriations are to pay the increase in compensation provided for by this Act with respect to all of the officers and employees of the Territory and the several counties to whom this Act applies and to discharge the employer contributions of the Territory and the several counties to the employees' retirement system of the Territory with respect to such increase in compensation, except officers and employees of the Territory and the several counties whose compensation is paid from federal funds or from special funds of the Territory or the several counties, whether in whole or in part and whether directly or indirectly, to the extent that the amount required to pay the increase in compensation authorized by this Act can be obtained from such federal funds or special funds (i.e., if federal funds or special funds are available, then these reappropriations are not to be used).

To avoid misunderstanding, the legislature hereby declares that the foregoing reappropriations shall not be so expended as to pay any county costs of repricing provided for by Act 274, Session Laws of Hawaii 1955, and any repricing cost increase occasioned by this Act shall be paid by the respective counties.

SECTION 6. The auditor of the Territory shall transfer to the Salary Increase Fund created by this Act the sums reappropriated by this Act in such installments as may be necessary to carry out the purposes of this Act.

The director of the bureau of the budget of the Territory shall allot the money in the Salary Increase Fund in a manner consistent with the purposes of this Act.

SECTION 7. The legislature recognizes that further investigation may reveal that some of the money in several of the funds listed in

Section 5 hereof may not be legally available for reappropriation. Accordingly, on the basis of the information made available to it, the legislature has allowed for this possibility by reappropriating various funds in a total amount which is greater than the estimated cost of the increased compensation provided for by this Act.

If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 8. The legislature declares that there is a moral obligation owed by the Territory to those officers and employees who were promised a pay increase under Act 276, Session Laws of Hawaii 1955. In partial discharge of such obligation, it is the intent of this Act that beginning September 1, 1956, the compensation of said officers and employees shall be paid at the rates provided herein; provided, however, any other provision herein to the contrary notwithstanding, that no officer or employee whose employment was commenced between August 3, 1956 and the effective date of this Act shall receive any additional compensation for the month of September, 1956, over and above the rate of compensation effective at the time of his employment.

SECTION 9. This Act shall take effect upon its approval.

(Approved September 27, 1956.) **S.B. 2, Act 2.**